

July 27, 2006

**BY ELECTRONIC AND OVERNIGHT MAIL**

Mary L. Cottrell, Secretary  
Department of Telecommunications & Energy  
Commonwealth of Massachusetts  
One South Station, Second Floor  
Boston, MA 02110

Bingham McCutchen LLP  
Suite 300  
3000 K Street NW  
Washington, DC  
20007-5116  
202.424.7500  
202.424.7647 fax

**Re: D.T.E. 06-61**

Dear Secretary Cottrell:

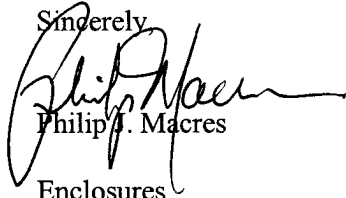
Attached hereto for filing in the above-referenced proceeding is the Petition to Intervene of Broadview Networks, Inc.; DSCI Corporation; Eureka Telecom, Inc. d/b/a InfoHighway Communications; and New Horizon Communications. In addition, attached is a Motion of Counsel to Appear *Pro Hac Vice* in this proceeding.

In accordance with the Notice of Investigation and Public Hearing that was released on July 17, 2006 in this proceeding, an original and three (3) additional copies of this filing are attached. In addition, a copy of this filing is being submitted to the Department in electronic format by E-mail attachment to [dte.efiling@state.mass.us](mailto:dte.efiling@state.mass.us) and [Tina.Chin@state.ma.us](mailto:Tina.Chin@state.ma.us).

Also attached is an extra copy of this filing. Please date-stamp it and return it in the attached, postage prepaid envelope provided.

Should you have any questions concerning this filing, please do not hesitate to contact me.

Sincerely,



Philip J. Macres

Enclosures

cc: Tina Chin, Hearing Officer  
John Conroy, Verizon  
Alexander Moore, Verizon  
Other entities named on the attached Certificate of Service

bingham.com  
  
Boston  
Hartford  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

**BEFORE THE  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Investigation by the Department on its own motion as to the propriety of the rates and charges set forth in the following tariff: M.D.T.E. No. 14, filed with the Department on June 16, 2006, to become effective July 16, 2006, by Verizon New England, Inc. d/b/a Verizon Massachusetts.

**D.T.E. 06-61**

**PETITION TO INTERVENE OF BROADVIEW NETWORKS, INC.;  
DSCI CORPORATION; EUREKA TELECOM, INC. D/B/A INFOHIGHWAY  
COMMUNICATIONS; AND NEW HORIZON COMMUNICATIONS**

Pursuant to 220 C.M.R. § 1.03 and the Massachusetts Department of Telecommunications and Energy's ("Department") July 17, 2006 Notice of Investigation in the above-captioned proceeding, counsel for Broadview Networks, Inc. ("Broadview"); DSCI Corporation ("DSCI"); Eureka Telecom, Inc. d/b/a InfoHighway Communications ("InfoHighway"); and New Horizon Communications ("New Horizon") (collectively "Joint Petitioners") hereby petition the Department to intervene as parties in this proceeding, stating in support thereof the following:

1. Joint Petitioners are Competitive Local Exchange Carriers ("CLEC") that are authorized to provide service throughout the Commonwealth of Massachusetts and provide local service consistent with that authorization. Their provision of services includes, among other things, obtaining certain services that Verizon-Massachusetts ("Verizon") offers on resale basis pursuant to 47 U.S.C. § 251(c)(4) and applicable state law.

2. On July 17, 2003, the Department initiated this proceeding to investigate Verizon's June 16, 2006 proposed reduction to its resale discount rates. It also invited all interested persons who are substantially and specifically affected by issues under investigation to petition to intervene in this proceeding by Monday August 7, 2006.

3. Joint Petitioners accordingly request that they be permitted to intervene as parties in this proceeding so that they may represent and protect their interests during it. Joint Petitioners will be substantially and specifically affected by the Department's review and decision in this proceeding because they are customers that purchase certain telecommunications services on a

resale basis from Verizon and also are competitors of Verizon. Any changes to Verizon's current resale discount rate will specifically impact Joint Petitioners' ability to compete with Verizon.

4. The interests of the Joint Petitioners cannot be represented adequately by other parties to this proceeding. In order to ensure that the Joint Petitioner's interests are fully and properly represented, Joint Petitioners' participation as parties in this proceeding is necessary.

5. If allowed to intervene as a party, Joint Petitioners plan to participate fully in this proceeding, including propounding discovery, offering pre-filed and hearing witness testimony, and presenting written and oral argument on the issues raised.

6. In making this request, Joint Petitioners ask that all communications and correspondence for this proceeding be directed to the undersigned counsel and the following individuals at Broadview, DSCI, InfoHighway, and New Horizon:

Charles C. Hunter  
Broadview Networks, Inc.  
115 Stevens Avenue, Third Floor  
Valhalla, New York 10595  
Tel: (914) 468-8214  
Fax: (914) 742-5818  
Email: [chunter@bridgecom.com](mailto:chunter@bridgecom.com)

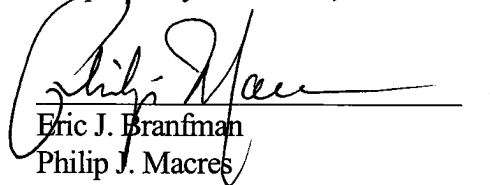
Sean Dandley  
DSCI Corporation  
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Lexington, MA 02421  
Tel: (781) 861-4603  
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E-mail: [sdandley@dscicorp.com](mailto:sdandley@dscicorp.com)

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Glen Nelson  
New Horizon Communications  
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Tel: (781) 290-4600  
Fax: (617) 507-8277  
E-mail: [gnelson@nhcgrp.com](mailto:gnelson@nhcgrp.com)

**WHEREFORE**, Joint Petitioners respectfully request that the Department grant this Joint Petition to Intervene as full parties in this proceeding.

Respectfully submitted,



Eric J. Branfman  
Philip J. Macres  
Bingham McCutchen LLP  
3000 K Street, N.W., Suite 300  
Washington, DC 20007  
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Counsel for Broadview Networks, Inc.; DSCI Corporation; Eureka Telecom, Inc. d/b/a InfoHighway Communications; and New Horizon Communications

Robert J. Munnelly, Jr.  
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99 High Street - 20<sup>th</sup> Floor  
Boston, MA 02110  
Tel: 617-457-4000  
Fax: 617-482-3868  
E-mail: rmunnelly@murthalaw.com

Co-Counsel for DSCI Corporation

Dated: July 27, 2006

**BEFORE THE  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

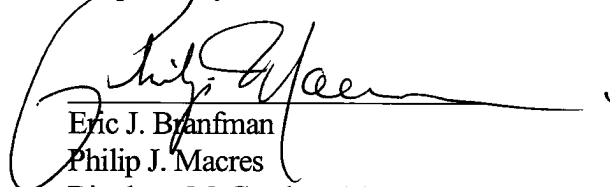
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**D.T.E. 06-61**

**MOTION OF COUNSEL TO APPEAR *PRO HAC VICE***

The undersigned counsel respectfully move for leave to appear *Pro Hac Vice* in the above-captioned proceeding. Both of the undersigned counsel are members in good standing of the District of Columbia Bar, have appeared previously in cases before this Department, and have never been denied admission or disciplined by any court.

Respectfully submitted,



Eric J. Branfman

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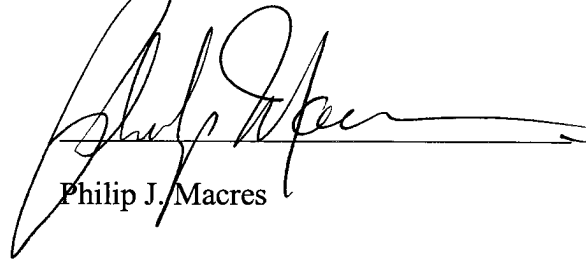
E-mail: [Philip.Macres@bingham.com](mailto:Philip.Macres@bingham.com)

Counsel for Broadview Networks, Inc.; DSCI Corporation; Eureka Telecom, Inc. d/b/a InfoHighway Communications; and New Horizon Communications

Dated: July 27, 2006

## CERTIFICATE OF SERVICE

I certify that on this 27th day of July, 2006, copies of the Petition to Intervene of Broadview Networks, Inc.; DSCI Corporation; Eureka Telecom, Inc. d/b/a InfoHighway Communications; and New Horizon Communications in DTE 06-61 along with the Motion of Counsel to Appear *Pro Hac Vice* in DTE 06-61 were sent via postage prepaid first class mail (or overnight mail if noted with an asterisk) to the individuals listed below.



Philip J. Macres

\*Mary Cottrell, Secretary  
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Energy  
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One South Station  
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Assistant Attorney General, Utilities  
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